

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,)

Plaintiff,)

v.)

LINDSEY KENT SPRINGER,)

OSCAR AMOS STILLEY,)

Defendants.)

Case No. 09-CR-043-SPF

**UNITED STATES' MOTION TO STRIKE DEFENDANT SPRINGER'S
MOTION STAY ALL ORDERS PENDING RULING FROM SUPREME COURT
BRIEF IN SUPPORT AND FOR ALTERNATIVE (DOC. NO. 303)**

The United States of America, by and through its attorneys, Thomas Scott Woodward, United States Attorney for the Northern District of Oklahoma, and Kenneth P. Snoke, Assistant United States Attorney, and Charles A. O'Reilly, Special Assistant United States Attorney, hereby moves to strike Defendant Springer's nineteen-page Motion Stay All Orders Pending Ruling From Supreme Court, Brief in Support and For Alternative (doc. no. 303) (hereinafter Defendant's Motion). Defendant's Motion is filed in violation of the Local Civil Rules of the United States District Court for the Northern

District of Oklahoma. Pursuant to ND LCR 1.2, LCvR7.2 applies to criminal cases.

LCvR 7.2(h) provides that “[b]riefs exceeding fifteen (15) pages in length shall be accompanied by an indexed table of contents showing headings or sub-headings and an indexed table of statutes, rules, ordinances, cases, and other authorities cited.”

LCvR 7.2(c). Defendant’s Motion contains no indexed table of contents, nor does it contain a table of authorities cited.

There is no excuse for Defendant’s persistent failure to comply with the rules. Defendant has been reminded of the applicability of these rules on more than one occasion, including the Court’s previously striking of pleadings filed by both Defendant and his codefendant that were in violation of the rules. *See* doc. no. 265 and Defendant’s Motion (doc. no. 303 at 3¹).

¹ The page referenced is that assigned by the CM/ECF system. On Defendant’s pleading, the pagination at the bottom of the page for this citation indicates page “iii.” Defendant’s Motion is paginated as follows: the first five pages are numbered i through v, followed by two page 1’s, and then continuing to the last page, the Certificate of Service, which is erroneously numbered 14 (it should be numbered 20). A glance at the last page of Defendant’s Motion would make it appear the motion totals less than fifteen pages, which would render LCvR 7.2(c)’ indexing requirement inapplicable. However, Defendant’s Motion is nineteen pages long (the twentieth page being the certificate of service).

The United States therefore requests that the Court strike Defendant's Motion
(doc. no. 303).

Respectfully submitted,

THOMAS SCOTT WOODWARD
UNITED STATES ATTORNEY

/s/ Charles A. O'Reilly
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CERTIFICATE OF SERVICE

I hereby certify that on the 8th day of February 2010, I electronically transmitted the foregoing document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

Lindsey Kent Springer
Defendant

Oscar Amos Stilley
Defendant

Robert Williams
Standby Counsel assigned to Lindsey Kent Springer

Charles Robert Burton, IV
Standby Counsel assigned to Oscar Amos Stilley.

/s/ Charles A. O'Reilly
Charles A. O'Reilly
Special Assistant United States Attorney